

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No.: 1:23-cv-00158

JASON H. KLOEPFER and ALISON M.)
MAHLER,)
Plaintiffs,)
)
vs.)
)
CHEROKEE COUNTY SHERIFF'S)
DEPARTMENT; EASTERN BAND OF)
CHEROKEE INDIANS; OHIO CASUALTY)
INSURANCE COMPANY, et al.,)
Defendants.)
)

MOTION TO STRIKE

NOW COMES Plaintiffs Jason H. Kloefer and Alison M. Mahler ("Plaintiffs"), by and through their undersigned attorneys, pursuant to Rule 12(f) of the Federal Rules of Civil Procedure, for the entry of an order striking the purported Reply to Response to Defendants' Motion for Hearing Request for Discovery Conference filed by Defendants Nathan Messer, Neil Ferguson, and Chris Harris. This Reply is not contemplated by the special discovery rules in the Court's Scheduling Order. Indeed, the only reason Plaintiffs filed their three-page response was because the Court specifically authorize that action. This purported Reply is improper, and Plaintiffs note for the record that they disagree with the substance of it, too, but that is something more properly addressed at the September 26, 2024, hearing.

WHEREFORE, Plaintiffs pray as follows:

1. That the Court strike from the pleadings of this matter that document filed by Defendants on September 18, 2024, and titled "Defendant Messer, Ferguson, and Harris's Reply in Support of Request for Discovery Conference," and not consider it.

2. For such other and further relief as to the Court deems just and proper.

This the 19th day of September 2024.

/s/ W. Ellis Boyle
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2024, I electronically filed PLAINTIFFS' MOTION TO STRIKE with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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